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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DESMOND B. GAIL,
Plaintiff

CIVIL NO. 1:CV-00-881

v.

Judge Caldwell

YORK COUNTY PRISON,
Defendant

P/25AC SUINN

FILED
HARRISBURG, PA

JUL 20 2000

ANSWER TO THE PLAINTIFF'S MOTION TO COMPEL
COMPLIANCE WITH ADMINISTRATIVE ORDER

MARY E. D'ANDREA, CLE
Deputy Clerk

AND NOW, this 18th day of July, 2000, comes the Respondent, York
County Prison, by Donald L. Reihart, Esquire, Assistant County Solicitor, and answers the
Petitioner's Motion to Compel Compliance With an Administrative Order, as follows:

1.

In late April, 2000, Deputy Warden Roger S. Thomas wrote to Petitioner as
follows:

Desmond:

You owe \$150.00 to the Court. Whenever you receive
a deposit, don't spend all your money! I must deduct 20% of
every deposit to send to the Court. Around the third week of
every month, I will check your account and send the Court

their money. Divide any deposit you get by five, and then don't spend the one-fifth. For example, \$50 divided by 5 equals \$10. If you spend all your money, I will freeze your account until the money is paid.

Roger S. Thomas

(Attached hereto as Exhibit A)

2.

Shortly after May 22, 2000, the York County Prison received an Administrative Order, indicating that the account of Desmond B. Gail was to suffer a twenty (20%) percent deduction of the current amounts in the account until a filing fee of One Hundred Fifty and 00/100 (\$150.00) Dollars was fully paid. A similar prior Order of Court, dated March 30, 2000, was also received by York County Prison.

3.

The Petitioner responded to this note by saying, "Sir, please understand this! I am entitled to spend all of my money, according to what the Clerk of Courts said!"

(Attached hereto as Exhibit B)

4.

On May 23, 2000, a note was prepared by Deputy Warden Thomas, based upon a review of the account of the Petitioner's account activity ledger, which stated:

Inmate received \$100.00 on 5/15/00 and spent most of it. Account frozen until he pays \$20. Owes \$20, 5/25/00, second civil action.

6/27/00 Received \$50. Owes \$20.00 previous deposit, plus \$10.00 for \$50.00 deposit ($\$50 \times 20\% = \10.00). Total of \$30.00 to be sent to Court. Account frozen.

(Attached hereto as Exhibit C)

5.

On May 25, 2000, Deputy Warden Roger S. Thomas wrote a note to the Petitioner that stated:

Desmond:

You now have two of the CV-00881 and CV 100-CV-00553. You owe a total of \$300.00 to the District Court.

You received a \$100.00 deposit on May 15, 2000 and quickly spent all but \$6. I had previously informed you that you were not to spend all of your money. You chose to do so. Your account is frozen until all the monies owed to the U.S. District Court are paid.

\$100 x 20% is \$20.00 amount owed plus 20% of any future deposits.

Roger S. Thomas

(Attached hereto as Exhibit D)

6.

On June 27, 2000, Deputy Warden Roger S. Thomas wrote to Petitioner and stated:

You owe \$300.00 to the U.S. District Court. \$30.00 is being sent. You owe \$270.00 more. Your account is being unfrozen. From now on, do not spend all your money. Twenty (20%) percent of your deposits are to be sent to Court. You may notify me when you get a deposit, and I will help you.

Roger S. Thomas

(Attached hereto as Exhibit E)

7.

While the Petitioner is claiming that the York County Prison is violating the Court Order of May 22, 2000; in fact, the York County Prison, as noted above, is endeavoring to comply with the Court Order. Petitioner's activity account ledgers confirm that the account is not "frozen."

(Attached as Exhibit F)

WHEREFORE, the York County Prison moves your Honorable Court to dismiss Petitioner's Motion to Compel Compliance.

Respectfully submitted,

By: 

Donald L. Reihart, Esq.
Sup. Ct. I.D. #07421
2600 Eastern Boulevard
Suite 204
York, PA 17402-2904
Telephone (717) 755-2799

Attorney for Plaintiff


Dated: 7/18/00

CERTIFICATE OF SERVICE

I, Donald L. Reihart, Esquire, certify that a true and correct copy of Answer to Plaintiff's Motion to Compel Compliance With Administrative Order was caused to be served on the date shown below by depositing same in the United States mail, first-class, postage prepaid thereon, addressed as follows:

Desmond B. Gail
York County Prison
3400 Concord Road
York, PA 17402

Respectfully submitted,

By: 

Donald L. Reihart, Esquire
Sup.Ct. I.D. #07421
2600 Eastern Boulevard
Suite 204
York, PA 17402
Telephone (717) 755-2799

Attorney for Plaintiff

Dated: 7-18-00